

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 7, 2011
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of March 7, 2011 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members Present: Mayor Susan St. Ores, Councilmembers Connie Carlson, Michele Hanson, Mark Ostertag and Judy Seeberger

Members Absent: None

Others Present: Administrator Mitch Berg, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, Attorney Nick Vivian

APPROVAL OF AGENDA

City Administrator Berg requested the following agenda items be added: (1) Proclamations/ Commendations/Petitions: *Notification of flood information meeting*, and (2) Consent Agenda: Item #10, *Agreement between Bayport Fire Department and Allen Kroening for fire training purposes*. It was moved by Councilmember Seeberger and seconded by Councilmember Carlson to approve the March 7, 2011 City Council agenda, with the recommendations noted above. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The February recycling award recipient is Dale Krongard, III, who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores noted that a schedule for the Board of Appeal and Equalization and Open Book Meetings for 2011 can be found on the Washington County website or on the City Hall posting board.
3. The city has scheduled a flood information meeting on Monday, March 14, 2011, 5:30-7:00 p.m., at the Bayport Public Library. Residents are asked to RSVP to City Hall and encouraged to visit the city's website for additional flood information.

OPEN FORUM

1. Jeremy Payne, 848 6th Street North, expressed concerns with the city's budget process not providing a complete picture of the city's finances, including a surplus of almost \$13 million and where the surplus funds are invested. He proposed the City Council convene a citizen's budget review and advisory committee and requested the item be added to a future agenda. Mayor St. Ores indicated his proposal would be taken under consideration and thanked him for his comments.

CONSENT AGENDA

Mayor St. Ores read items 1-10 on the consent agenda.

1. February 2011 city department orientation meeting minutes
2. February 7, 2011 City Council regular meeting minutes
3. February payables and receipts, check numbers 132942-133027
4. February building, plumbing and mechanical permit report
5. Accept \$550.00 donation from the Bayport American Legion for the Fire Department

6. Special event application for seasonal Farmer's Market at Perro Park
7. Accept Metropolitan Council Inflow/Infiltration Grant and Execute Agreement
8. Compensation/pay plan adjustments for 2011
9. Special event application for Clark wedding at Lakeside Park on August 27, 2011
10. Agreement between Bayport Fire Department and Allen Kroening for fire training purposes

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-08

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE
MARCH 7, 2011 CITY COUNCIL AGENDA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Hanson and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Mark Ostertag – aye
Connie Carlson – aye	Judy Seeberger – aye
Michele Hanson – aye	

RIVERFRONT ADVISORY COMMISSION REPORT

The Riverfront Advisory Commission will be hosting a public information meeting on Tuesday, March 29, 2011, 5:00-7:00 p.m., at City Hall. The purpose of the meeting is to present the work and recommendations of the commission and seek input from residents. The next Riverfront Advisory Commission meeting is scheduled for Tuesday, March 8, 2011, 6:00 p.m. at City Hall.

COUNCIL LIAISON REPORTS

Councilmember Ostertag reviewed the February 16, 2011 Cable Commission annual and regular meetings. Officers were appointed and committee assignments established, with Councilmember Ostertag appointed to the finance committee. The commission is looking into providing on-demand viewing of its scheduled programs via the Internet.

Councilmember Carlson reviewed the Library Board meeting of February 24, 2011. Erin Crowder was recommended to fill a vacancy on the board, and Library Director Kathy MacDonald received a very positive performance review from the board. The next meeting is scheduled for Thursday, March 24, 2011, 6:00 p.m., at the library and the public is encouraged to attend.

Mayor St. Ores reviewed the February 2011 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). Projects funded by the MSCWMO in 2010 were reviewed. The next meeting is scheduled for Thursday, March 10, 2011, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Seeberger reported no meetings were held for the Lower St. Croix Partnership or Andersen Citizen Advisory Committee.

Councilmember Hanson noted the action taken at the February 22, 2011 Planning Commission would be covered by Assistant Administrator/Planner Taylor later in the meeting.

PUBLIC HEARINGS

Consider a resolution adopting the proposed assessments for the 338 5th Street North and 354 5th Street North water service lateral and connection improvement project: Administrator Berg reviewed the background of the improvement project on 5th Street North and recommended approval of the resolution adopting the special assessments for the project.

Mayor St. Ores opened the public hearing and no public comment was heard.

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to close the public hearing. Motion carried 5-0.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-09

RESOLUTION ADOPTING THE 5TH STREET NORTH WATER SERVICE LATERAL AND CONNECTION IMPROVEMENT PROJECT SPECIAL ASSESSMENT

The motion for adopting the foregoing resolution was duly seconded by Councilmember Ostertag and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Mark Ostertag – aye
Connie Carlson – aye	Judy Seeberger – aye
Michele Hanson – aye	

UNFINISHED BUSINESS

Consider adoption of a city snow plowing and ice control policy: Administrator Berg provided an updated policy for consideration and reviewed the changes made since the last meeting. A definition of snow removal was added and it was noted that snow removal/hauling would be the last component of the snow plowing process. Administrator Berg reviewed current Public Works department staffing levels and its impact on snow plowing efforts.

It was moved by Councilmember Ostertag and seconded by Councilmember Carlson to adopt the city snow plowing and ice control policy as presented. Motion carried 5-0.

NEW BUSINESS

Consider a conditional use permit (CUP) to allow the existing commercial office use at 836 Minnesota Street South to continue and be recognized as a conditional land use under the city's Lower St. Croix Bluffland and Shoreland Management Ordinance: Assistant Administrator/Planner Taylor reviewed the background of the CUP request to resolve a discrepancy with the DNR for the parcel at 836 Minnesota Street South. In 2010, the DNR notified the city that the parcel was in violation of the Lower St. Croix River Act, as it contained a commercial business in a designated rural district of the St. Croix River. The DNR designated the property as rural within the St. Croix Riverway when it was part of Baytown Township. Unbeknown to staff, the DNR's rural designation continued when the parcel was annexed into the City of Bayport (considered an urban community) in 1982. Last year, the city worked with the property owner on legislation to allow certain pre-existing land uses in rural districts to continue, upon the issuance of a CUP. In May 2010, the legislation was adopted and in October 2010, the city approved an amendment to the Bayport City Code of Ordinances to incorporate the approved legislation and be consistent with the Lower St. Croix River Act. To comply with the legislation and city ordinance, the property owner/applicant requested a CUP for the existing commercial office use. Planner Taylor noted that no significant modifications are proposed to the property as part of this application, and the primary purpose is to obtain a CUP to allow the existing commercial office use to continue to operate at the property, as is. Planner Taylor reviewed the conditions of approval regarding designated hours of operation, installation of nameplate signage, installation of a dumpster enclosure, and connecting to city sewer and water service.

The Planning Commission held the required public hearing on February 22, 2011, and received written comments from the Sierra Club and St. Croix Scenic Coalition. In addition to staff's recommendations, the Planning Commission stated they would like to see staff work with the applicant on a landscape plan

that would incorporate additional screening of the building from the river, include stormwater retention and/or mitigation techniques to help filter water runoff on the property, and cease the storage and advertising of vehicles for sale on the property. The Planning Commission voted to recommend approval of the application. Staff recommended approval of the CUP, as it will allow the existing commercial land use to continue and is consistent with the city's zoning and comprehensive land use plan.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-10

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE EXISTING COMMERCIAL OFFICE USE AT 836 MINNESOTA STREET SOUTH, LEGALLY DESCRIBED AS LOT 8, BLOCK 1, ST. CROIX BLUFF, BAYPORT, WASHINGTON COUNTY, MINNESOTA, TO CONTINUE AND BE RECOGNIZED AS A CONDITIONAL LAND USE UNDER THE CITY'S LOWER ST. CROIX BLUFFLAND AND SHORELAND MANAGEMENT ORDINANCE

The motion for adopting the foregoing resolution was duly seconded by Councilmember Hanson and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Mark Ostertag – aye
Connie Carlson – aye	Judy Seeberger – aye
Michele Hanson – aye	

Consider consulting services to conduct an organizational review of the Public Works Department:

Administrator Berg reviewed a proposal to conduct a review of the Public Works Department to identify staff levels, skill sets and duties. Global Synergy, who conducted the strategic planning sessions and has a background in city operations, submitted a quote of \$7,250.00 for the review. Councilmember Seeberger stated she was pleased with the services provided by Global Synergy in the strategic planning process and was in favor of utilizing their services for this project. Administrator Berg indicated that Global Synergy would perform an additional review of the Administration Department at a cost not to exceed \$9,000.00 for both departments. He indicated \$10,000.00 was budgeted for department reviews this year. Mayor St. Ores recommended proceeding with sequential reviews of both departments, as the results would be helpful with the budget process for 2012. If approved, the consultants would like to meet with the City Council as soon as possible to identify the key goals and objectives, as well as the process.

It was moved by Councilmember Seeberger and seconded by Councilmember Ostertag to enter into a contract with Global Synergy, Inc., to conduct organizational reviews of the Public Works and Administration Departments at a cost not to exceed \$9,000.00. Motion carried 5-0.

Consider an appointment to the Library Board: Staff recommended the appointment of Erin Crowder to fill the vacancy on the Bayport Public Library Board, due to the resignation of Mary Goulette. Mary Goulette was recognized for her years of service to the library and the community.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to accept the resignation of Mary Goulette from the Bayport Public Library Board and appoint Erin Crowder to complete the term ending December 31, 2013. Motion carried 5-0.

Consider participating in the Minnesota Water/Wastewater Agency Response Network (MnWARN) mutual aid program for utility emergencies: Administrator Berg reviewed the MnWARN system, a new statewide mutual aid system to supply aid in the case of utility emergency situations. There is no cost to

participate in the program and staff believes it may be a beneficial tool as the city prepares for spring flooding. Staff recommended approval of entering into a mutual aid agreement with the Minnesota Water Agency Response Network and adopting the resolution approving participation in the program.

Councilmember Seeberger introduced the following resolution and moved its adoption:

Resolution 11-11

A RESOLUTION AUTHORIZING THE CITY OF BAYPORT TO PARTICIPATE IN THE MINNESOTA WATER AGENCY RESPONSE NETWORK (MnWARN)

The motion for adopting the foregoing resolution was duly seconded by Councilmember Carlson and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Mark Ostertag – aye
Connie Carlson – aye	Judy Seeberger – aye
Michele Hanson – aye	

Consider declaring a local state of emergency for flood assistance: Administrator Berg stated the National Weather Service has predicted a 99% probability of a flood involving the St. Croix River. Staff recommended declaring a local state of emergency, which will enable the city to better utilize county and state resources, as well as better position the city to receive federal funding if Washington County is declared a disaster area. Staff preparations for the anticipated flooding were reviewed, and Administrator Berg noted a public information meeting has been scheduled for March 14, 2011, 5:30 p.m., at the Bayport Public Library.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-12

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY WITHIN THE CITY OF BAYPORT

The motion for adopting the foregoing resolution was duly seconded by Councilmember Seeberger and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Mark Ostertag – aye
Connie Carlson – aye	Judy Seeberger – aye
Michele Hanson – aye	

Consider a City Council workshop as part of a proposed Public Works Department organizational review: Staff proposed a special meeting of the City Council on Monday, March 21, 2011 to begin the review of the Public Works Department.

It was moved by Councilmember Hanson and seconded by Councilmember Seeberger to convene a City Council workshop on March 21, 2011, 4:30 p.m., at the Bayport Public Library, to discuss an organizational review of the Public Works Department with consultants Global Synergy. Motion carried 5-0.

COUNCIL ITEMS AND ANNOUNCEMENTS

1. Councilmember Seeberger announced a meeting of the Yellow Ribbon area consortium on Thursday, March 10, 2011, 5:30 p.m., at the Oak Park Heights City Hall. She noted she is also a member of Washington County Yellow Ribbon committee, which has been very active, and she will continue her participation with both groups.
2. Councilmember Seeberger announced her resignation from the Bayport City Council, effective March 8, 2011, due to increased family demands. Councilmember Seeberger was thanked for her two years of service on the City Council.

3. Councilmember Carlson noted library patrons have requested the option to pay for meeting rooms with a credit card. Administrator Berg stated staff hopes to have a credit card option available by fall.
4. Councilmember Hanson thanked staff for posting the warming house phone number on the city's website.
5. Councilmember Ostertag stated the recent League of Minnesota Cities Newly Elected Officials Conference he attended was very beneficial and thanked staff for the opportunity.

RESIGNATION OF COUNCILMEMBER JUDY SEEBERGER

Administrator Berg reviewed state statutes regarding the replacement of City Council members. He stated that since Councilmember Seeberger has less than two years remaining in her term, the City Council does not have the authority to hold a special election to fill the vacancy, but can appoint someone to complete the term. Staff presented a resolution accepting the resignation and declaring a vacancy on the City Council. Staff recommended an open application process with an appointment to be considered at the April 4, 2011 City Council meeting. Attorney Vivian stated future City Council action would be based on a quorum of four people, until the open position is filled. Administrator Berg noted that a new Deputy Mayor will need to be appointed.

Councilmember Carlson introduced the following resolution, effective March 8, 2011, and moved its adoption:

Resolution 11-13

RESOLUTION ACCEPTING A RESIGNATION AND DECLARING A VACANCY ON THE BAYPORT CITY COUNCIL

The motion for adopting the foregoing resolution was duly seconded by Councilmember Ostertag and upon roll call being taken, the following voted via voice:

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| Susan St. Ores – aye | Mark Ostertag – aye |
| Connie Carlson – aye | Judy Seeberger – aye |
| Michele Hanson – aye | |

It was moved by Councilmember Seeberger and seconded by Councilmember Hanson to appoint Councilmember Connie Carlson to serve as Deputy Mayor. Motion carried 5-0.

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

1. Flood update: A draft flood action plan and evacuation plan have been generated, and a temporary levy will be constructed on 4th Avenue South to hold back the flood waters and also contain floating debris. Residents were encouraged to attend the public information meeting on March 14, 2011, 5:30 p.m., at the library and to use the city's website as a resource tool for flood information.
2. City Administrator update: No comments were heard on the written update.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to adjourn the meeting at 7:16 p.m. Motion carried 5-0.

City Administrator/Clerk